



Minutes of the Regular Meeting of the Buena Vista Planning and Zoning Commission

March 16, 2016

CALL TO ORDER

A Regular meeting of the Planning and Zoning Commission was called to order at 6:00pm, Wednesday, March 16, 2016 at the Buena Vista Community Center, Pinon Room, 715 E Main Street, Buena Vista, Colorado by Chair Trey Shelton. Also present were Commissioners Estes Banks, Annie Davis, Preston Larimer, Scott Johnson, and Tim Bliss. Staff Present: Principal Planner Mark Doering and Deputy Town Clerk Melanie Jacobs.

PLEDGE OF ALLEGIANCE

Chair Shelton led in the Pledge of Allegiance.

ROLL CALL

Jacobs proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Shelton called for approval of the agenda. **Motion #1** by Davis seconded by Banks to adopt the agenda as presented. Motion carried.

APPROVAL OF MINUTES

Davis motioned for approval of the February 17, 2016 minutes. **Motion #2** was seconded by Larimer. Motion carried.

PUBLIC COMMENT

Shelton opened the public comment portion of the hearing at 6:02pm. With no comments received, the public comment portion of the hearing was closed at 6:02pm.

NEW BUSINESS

102 Brookdale Ave Special Use Permit

Doering explained that the applicant was requesting a Special Use Permit to allow 3D Auto Glass and Tire to carry out minor vehicle repairs (primarily the replacement of tires and windshields) at 102 Brookdale Ave in the B-1 zone. The building was previously used for this purpose, but as more than six months have elapsed since the business was located at this address, a Special Use Permit is necessary. 3D Auto will occupy the eastern portion of the building and CrossFit Buena Vista will remain in the western part. The applicant has no plans to modify the premises in any way except in regard to signage; this matter will come back before the Commission if a Comprehensive Sign Plan is required.

Doering went briefly through the criteria for approval, noting that staff anticipates no problems with ingress/egress, off-street parking, glare, or odor issues. There is some concern about the noise generated by air impact wrenches, as residential property lies immediately to the south of the location; this could be mitigated by keeping most such activity inside the building. Refuse and service areas are already screened by a chain-link fence with slats running through it. Though this type of screening is not allowed by the current code, it can remain as long as no alterations are made to it. Utilities are adequate

to serve the address and signage has not yet been addressed by the applicant. Open space requirements have been met, and the building is surrounded on all sides by commercial uses, with the exception of the residential area to the south.

Doering closed by stating that staff recommends approval of the application with the following conditions (as outlined in the staff report): 1) the applicant will need to ensure that all necessary measures are taken to limit noise levels to fewer than 60 decibels; 2) approval shall be contingent upon recordation of a minor subdivision approval within 120 days to correct land title issues; 3) stored items must not exceed the height of the fence (which is six feet tall), and nothing may be stored outside the fence; 4) major automotive service (such as engine removal or extensive body work) and multiple days' storage of vehicles are not permitted; 5) if the existing nonconforming screening is damaged, code-compliant dumpster and storage screening must be installed; and 6) any exterior lighting must be downcast and shielded.

Larimer asked how noise complaints would be handled. Doering replied that both the Police Department and the Planning Department would be involved, and noise levels would be measured at the property line of the business.

Steve Wartman, applicant and Buena Vista resident, was present in the audience and stepped to the podium to speak. He informed the Commission that he had used a decibel meter to measure air impact wrench noise levels, and he obtained the following results with both garage doors open and the wrench being utilized inside the building: a noise level of 47 decibels at the garage door, 43 decibels at the southern property line of 102 Brookdale, and 39 decibels at the nearest residential property line. He stated that he intended to be a good neighbor, keeping the garage doors closed during the cold months and limiting activity to regular business hours. Cars brought in for repair will generally be removed the same day.

Samuel Mick of 501 S Railroad St also rose to address the Commission. He said that he had sold the property at 102 Brookdale Ave to Mr. Wartman, and that Little Daisy Liquor Store was planning to move to the location being vacated by 3D Auto (401 N Hwy 24). He remarked that no one involved in these transactions had thought that there would be any difficulty in obtaining this Special Use Permit, and that both businesses are waiting on permit approval to move forward.

Shelton determined that no one else present in the audience had any additional remarks and closed the public hearing.

Commissioners asked if anyone had come forward to complain about potential noise, and Doering replied that no one had. In response to a question from Larimer, Doering noted that the noncompliant fencing was in good condition, and can remain as-is unless and until changes are made to it. Banks expressed concern about lighting, and Doering responded by stating that brightness could be regulated if necessary.

Larimer motioned to recommend that the Board of Trustees approve the Special Use Permit at 102 Brookdale Ave allowing for minor automotive service to take place at the location, with the conditions listed in the staff report [outlined above]. Davis seconded **Motion #3** and it passed unanimously.

206 E Main Encroachment Application

Doering introduced the project by stating that the applicants had requested an Encroachment Permit to allow outdoor dining within the East Main St right-of-way in front of the Lariat Bar and Grill. A 13' x 23' dining patio would be placed on the street at 206 E Main St (B-1 zone), taking up three parking spaces.

One parking space would remain on the east side of the dining area to accommodate Town Hall traffic, and the applicants may place bike racks immediately to the east of the patio. Once in position, the patio would be level with the sidewalk. Doering noted that the applicants had met all requirements for an encroachment permit, and that the application would normally have been handled administratively. Because this is the first request of its type, however, Town Administrator Reitter wanted the issue to go to the Planning Commission and the Board of Trustees for input. If this permit is granted, staff anticipates receiving more such applications from businesses in the downtown area.

Doering informed Commissioners that the applicants would have to obtain insurance for the encroachment before the patio would be allowed to operate. The application is already compliant with outdoor dining requirements. In order for alcohol to be served on the patio, the town would potentially have to create an entertainment district (probably encompassing East Main St and South Main), inside the borders of which state liquor laws would be relaxed to allow alcohol to be served and consumed in non-gated areas.

Doering stated that the staff recommendation was for approval with the following conditions: 1) the applicants must enter into a Revocable Encroachment License Agreement with the town, which would include these additional conditions: 2) the applicants must obtain the minimum insurance for the encroachment required by the town; 3) the dining patio must be installed on top of the existing street and any damage to the street must be repaired to the Public Works Director's satisfaction; and 4) the patio and surrounding area must be maintained in a neat, clean, and hazard-free condition, including off-site disposal of trash and removal of snow. In response to a question about snow removal from Larimer, Doering noted that a channel would be left clear next to the curb and Public Works Director Maggard did not believe installation of the patio would cause snow/drainage problems.

Applicants Robbie and Court Johnson of 109 E Main St rose to speak. They stated that they had modeled their project on the outdoor patio used by Currents Restaurant in Salida, and that the proposed location of the patio was meant to preserve on-street parking spaces for both of their neighbors (Town Hall and Natural Mystic Wellness Center). As the new front door of the Lariat will be located in the middle of the building, the patio's location will also allow the bartender to keep an eye on patrons seated there. They went on to explain that they intended for the patio to draw highway traffic onto East Main St, as it will be easily visible from the traffic light.

Davis asked where the Lariat's customers would park, and the Johnsons replied that there were several areas available: the railroad ROW, along the east side of Town Hall, across East Main St, or on Tabor St. Davis followed up by noting that parking in the downtown area is already a problem, and that this sort of activity would further reduce the number of available parking spaces. Larimer and Shelton opined that even with more patios in the ROW, parking needs in the downtown area could be accommodated. Scott Johnson remarked that the Lariat already has an outdoor dining area at the back of the building, to which the applicants responded by stating that this dining area is more theoretical than useful and would in any case not draw in traffic from the highway, which is one of their primary goals. Scott Johnson then asked what the patio would be made of, and the Johnsons replied that it would be a composite wood floor over a metal support platform, with a metal railing around the outside.

Doering let the Commission know that with regard to code requirements, parking is not a concern. Scott Johnson suggested that a fee-in-lieu of parking should be considered when an applicant seeks to convert public parking to private use. Doering indicated that this kind of issue was exactly why the application had been forwarded to the Planning Commission: suggestions such as this one should, at the end of the discussion, be included in a motion to be forwarded to the Board of Trustees for their consideration.

Larimer motioned to recommend that the Board of Trustees approve the encroachment permit for an outdoor dining patio to be erected on top of the pavement on East Main St, in front of 206 East Main, with the conditions outlined in the staff report [conditions 2 – 4 on page 3 of these minutes], as well as the condition added by the Town Attorney [condition 1 on page 3 of these minutes]. Banks seconded and **Motion #4** passed without dissent.

Shelton asked for additional recommendations to send to the Board of Trustees. Banks suggested that the town move forward with applications like this one, and evaluate the outcomes after a season to identify problems. Larimer expressed a desire to attend a joint work session with the Trustees to talk about parking.

Larimer then motioned to recommend to the Trustees that a joint work session be held prior to the finalization of the new Unified Development Code to discuss parking downtown and in South Main, at which the following specific topics would be addressed: fees-in-lieu, short-term parking, shuttles, better signage, and whether or not applications such as this one should be handled administratively. Davis seconded **Motion #5**.

After a bit of discussion, Larimer and Davis agreed to amend **Motion #5** to omit the issue of administrative handling of encroachment permits, and to add the recommendation that the Public Works Department be asked to create adequate handicapped parking spaces downtown and in South Main. **Motion #5** then passed unanimously.

STAFF / COMMISSION INTERACTION

Shelton asked the Commission to think about who would like to step into the role of Vice-Chair, given that Jenkins will be moving to the Board of Trustees in April.

Doering invited Commissioners to attend the Trustees' walking tour of the downtown area that will take place March 22 at 6:00pm. Trustees will discuss design requirements and development standards. The intent of the tour is to facilitate the formulation of policies related to commercial and residential development throughout the town, which will help staff draft regulations for the new UDC.

In response to a question from the Commission, Doering stated that the new UDC was on track for approval in July. The date of the next Steering Committee meeting, which will be convened for the purpose of discussing Module 2, is still TBD.


ADJOURNMENT

There being no further business to come before the Commission, Commissioner Davis motioned to adjourn the meeting at 7:58pm. Commissioner Larimer seconded. **Motion #6** was unanimously approved.

Respectfully submitted:



Melanie Jacobs, Deputy Town Clerk



Trey Shelton, Chair